

**REMARKS**

Claims 27-57 are pending in the application. Claims 27-54 stand rejected. No amendments to claims 27-54 have been made. Claims 55-57 have been added.

Applicants respectfully note that the Office Action states that claims 1-26 are withdrawn from consideration. Applicants cancelled claims 1-26 in a preliminary amendment filed with the Petition to Make Special on September 1, 2004, and claims 1-26 are labeled as Cancelled in this Response.

**Rejection of Claims under 35 U.S.C. §102**

Claims 27-54 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Krishnamurthy, U.S. Patent No. 6,823,436 (Krishnamurthy). Applicants respectfully traverse this rejection.

Independent claim 27 is repeated below.

A method comprising:  
in response to a request to perform an operation on a storage area, wherein  
the storage area comprises a plurality of locations;  
identifying a first set of locations of the plurality of locations, wherein  
each location in the first set of locations meets a criterion to be targeted by  
the operation;  
comparing the first set of locations to a second set of locations; and  
performing the operation upon a third set of locations in the storage area.

Independent claims 42, 46, and 50 contain substantially similar limitations.

On page 3, the Office Action identifies the following counterparts to the claim elements. Each of these counterparts is discussed in the paragraphs below.

First set of locations – The Office Action identifies the counterpart of the first set of locations as “data from the source drive,” as shown in Krishnamurthy’s Fig. 3 element 36. (See Office Action dated June 17, 2005, page 3, second paragraph.) Applicants respectfully request clarification of this counterpart, as “data” is not a set of locations.

Applicants have assumed for purposes of argument that the intent was to identify locations on the source drive as the first set of locations. However, even given this interpretation, the Office Action provides no counterpart for the limitation “wherein each location in the first set of locations meets a criterion to be targeted by the operation.” No counterpart to a criterion is cited, and no discussion of locations “targeted by the operation” is given. Accordingly, all elements of independent claims 27, 42, 46, and 50 are not shown, and claims 27-54 are allowable for at least this reason.

Operation – Applicants respectfully request clarification of this counterpart, as the Office Action appears to identify both “write operations” and “snapshot data” as counterparts for the claimed operation. (*Id.*) The claimed operation targets the first set of locations and is performed on the third set of locations. Neither a write operation nor a snapshot operation is described as targeting a first set of locations and being performed on a third set of locations. Furthermore, the Office Action does not address the limitation that the method steps are performed “in response to a request to perform an operation on a storage area.” Accordingly, all elements of independent claims 27, 42, 46, and 50 are not shown, and claims 27-54 are allowable for at least this reason.

Second set of locations – The Office Action identifies “regions of data specified in an operation” as the counterpart to the second set of locations, providing as an example a write operation to the source drive at offset 1536 for an extent of 56 data blocks. (*Id.*) Applicants have assumed for purposes of argument that the term “region” is considered to identify a set of one or more locations. With regard to the interpretation of “operation” as a snapshot operation, Applicants can find no reference in Krishnamurthy to locations that are targeted by a snapshot operation. Accordingly, all elements of independent claims 27, 42, 46, and 50 are not shown, and claims 27-54 are allowable for at least this reason.

Comparing – The Office Action fails to identify anything in Krishnamurthy teaching or suggesting the claimed comparing operation. In particular, the Office Action is silent about performing a comparison between the first set of locations and a second set of locations. Applicants have searched the cited portions of Krishnamurthy and can find

no description of comparing the “set of storage locations on the source drive” (the assumed counterpart of the first set) with regions identified by either a snapshot operation or a write operation (the counterpart to the second set). Accordingly, all elements of independent claims 27, 42, 46, and 50 are not shown, and claims 27-54 are allowable for at least this reason.

Third set of locations – Applicants respectfully request clarification of the asserted counterpart to the third set of locations. On page 3 of the Office Action dated June 17, 2005, the second paragraph appears to indicate that the target drive is the third set of locations, whereas the third paragraph (related to dependent claim 28) appears to indicate the destination drive (which Applicants have assumed to be the same as the target drive) as the second set of locations. The inconsistency of identifying the target drive as both the second and third set of locations further confuses the intended interpretation of the claim term “operation,” as the operation is performed on the third set of locations.

Furthermore, dependent claim 28 claims that “each location in the third set is in both the first set of locations and the second set of locations.” The Office Action cites the “data of the source drive” as the counterpart of the first set and the “destination drive” as the counterpart of the second set. (*Id.*, third paragraph.) The counterpart to the third set of locations is unclear, but it appears that the paragraph indicates that each location of the source drive is also on the destination drive. While a destination drive may have locations *corresponding* to the locations of the source drive, Applicants assume that no storage location belongs to both the source and destination drives.

Because none of the foregoing elements of independent claims 27, 42, 46, and 50 are shown, independent claims 27, 42, 46, and 50 and their respective dependent claims 28-41, 43-45, 47-49, and 51-54 are allowable for at least the foregoing reason.

In conclusion, claims 27-54 and new claims 55-57 are allowable for at least the foregoing reasons.

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is invited to telephone the undersigned at 512-439-5086.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 2, 2005.



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9/2/05  
Date of Signature

Respectfully submitted,



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